

# **EXHIBIT G**

Jones 30(b)(6), T. Mark

May 9, 2007

Miami, FL

Page 1

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

- - - - - x

IN RE: PHARMACEUTICAL : MDL NO. 1456

INDUSTRY AVERAGE WHOLESALE : CIVIL ACTION:

PRICE LITIGATION : 01-CV-12257-PBS

THIS DOCUMENT RELATES TO :

U.S. ex rel. Ven-a-Care of : Judge Patti B.

the Florida Keys, Inc. v. : Saris

Abbott Laboratories, Inc., : Chief Magistrate

No. 06-CV-11337-PBS : Judge Marianne B.

- - - - - x Bowler

State of California ex rel. :

Ven-a-Care of the Florida Keys, :

Inc. v. Abbott Laboratories, Inc., :

No. 03-CV-11226 :

- - - - - x

Miami, Florida

Wednesday, May 9, 2007

Videotaped deposition of T. MARK JONES,

Jones 30(b)(6), T. Mark

May 9, 2007

Miami, FL

<p style="text-align: right;">Page 2</p> <p>1 a witness herein, called for examination by  2 counsel for Abbott Laboratories in the above-  3 entitled matter, pursuant to notice, the  4 witness being duly sworn by KELLI ANN WILLIS, a  5 Registered Professional Reporter, Certified  6 Realtime Reporter and Notary Public in and for  7 the State of Florida, taken at the offices of  8 Hunton &amp; Williams, 1111 Brickell Avenue, Suite  9 2500, Miami, Florida at 9:05 a.m. on  10 Wednesday, May 9, 2007, and the proceedings  11 being taken down by stenotype by KELLI ANN  12 WILLIS, and transcribed under her direction.  13  14  15  16  17  18  19  20  21  22</p>	<p style="text-align: right;">Page 4</p> <p>1 A P P E A R A N C E S (continued):  2  3 UNITED STATES ATTORNEY'S OFFICE  4 Attorneys for the United States of America  5 99 Northeast 4th Street  6 Miami, Florida 33156  7 BY: MARK LAVINE, ESQ.  8  9 JONES DAY  10 Attorneys for Abbott Pharmaceuticals  11 51 Louisiana Avenue, NW  12 Washington, DC 20001-2113  13 BY: R. CHRISTOPHER COOK, ESQ.  14  15 LOCKE LIDDELL &amp; SAPP  16 Attorneys for Schering-Plough Corporation,  17 Schering Corporation and Warrick Pharmaceutical  18 Corporation  19 2200 Ross Avenue, Suite 2200  20 Dallas, TX 75201  21 BY: C. SCOTT JONES, ESQ.  22</p>
<p style="text-align: right;">Page 3</p> <p>1 A P P E A R A N C E S:  2  3 THE BREEN LAW FIRM  4 Attorneys for Plaintiff, Ven-a-Care of the  5 Florida Keys, Inc.  6 5755 North Point Parkway  7 Suite 39  8 Alpharetta, Georgia 30022  9 BY: JAMES JOSEPH BREEN, ESQ. and  10 ALLISON SIMON, ESQ.  11  12 STATE OF CALIFORNIA DEPARTMENT OF JUSTICE  13 Attorneys for the State of California  14 110 West A Street  15 Suite 1100  16 San Diego, CA 92186  17 BY: NICHOLAS N. PAUL, ESQ.  18  19  20  21  22</p>	<p style="text-align: right;">Page 5</p> <p>1 A P P E A R A N C E S (continued):  2  3 KELLEY DRYE &amp; WARREN, LLP  4 Attorneys for Dey, Inc. and Dey, LP  5 101 Park Avenue  6 New York, NY 10178  7 BY: ANTONIA F. GIULIANA, ESQ.  8  9 DICKSTEIN SHAPIRO, LLP  10 Attorneys for Baxter Healthcare Corporation  11 1825 Eye Street, NW  12 Washington, DC 20006  13 BY: EDEN M. HEARD, ESQ.  14 (via speakerphone)  15  16 WHITE &amp; CASE, LLP  17 Attorneys for Sandoz, Inc.  18 1155 Avenue of the Americas  19 New York, NY 10036-2787  20 BY: PHILIP B. SINENENG, ESQ.  21 (via speakerphone)  22</p>

2 (Pages 2 to 5)

Henderson Legal Services  
202-220-4158

Jones 30(b)(6), T. Mark

May 9, 2007

Miami, FL

<p style="text-align: right;">Page 90</p> <p>1 THE WITNESS: I'm not sure I understand 2 what you want from -- I mean, investigations is 3 a broad word. What do you mean, what else did 4 I do? 5 BY MR. COOK: 6 Q. Well, I'm curious. In a number of 7 contexts, both in letters to government officials 8 and testimony before Congress, Ven-a-Care 9 representatives have referred to Ven-a-Care's 10 investigations relating to drug pricing. 11 And for this document deposition purpose, 12 I'm simply trying to determine what the entire 13 landscape is of investigatory activity so I can ask 14 what documents relate to each of them. That is all 15 I'm trying to do. 16 A. Okay. I'm just trying to sort it out in 17 my head what --- 18 I mean, we researched. We did a lot of 19 research and the compendia. We started looking at 20 published prices as opposed to prices that we were 21 able to get as an industry insider, you know, having 22 contracts with wholesalers or pharmaceutical</p>	<p style="text-align: right;">Page 92</p> <p>1 A. Ven-a-Care was not very computer savvy 2 until 1998. Dr. Lockwood, who is our computer tech 3 person, because it is one of his hobbies, actually 4 brought a laptop into the office, and we actually 5 have that laptop. We have all of the electronic 6 data that is on it. 7 That was probably -- that was the first 8 time that we had any form of email communications. 9 Up until that point, we were just all faxes and 10 phones. And we have -- in our document database, it 11 is obvious how many faxes we have. 12 Q. Uh-huh. And so the first computer that 13 Ven-a-Care owned or that Ven-a-Care used, may be the 14 better word, was in 1998 when Dr. Lockwood brought a 15 laptop into the office? 16 A. Yes. 17 Q. Was that as a result of the hurricane, or 18 is that just coincidental that 1998 -- 19 A. It was coincidental. Dr. Lockwood brought 20 that laptop in because by that time, Ven-a-Care, 21 Zach, me, Luis, our attorneys, John, were traveling 22 to different state governments, to different federal</p>
<p style="text-align: right;">Page 91</p> <p>1 manufacturers or GPOs. So we started compiling 2 those. That would be something, I think, that might 3 fall into that category. 4 We were always making charts, categories 5 of drugs, you know, looking at what the trends were. 6 There were -- you know, the best of my knowledge, in 7 the mid --- '92 on to like '97, in that era, that is 8 when the generic market really took off. You 9 started seeing competitive drugs coming out, and we 10 would watch the evolution of it and document it. 11 So we have those documents. We have chart 12 after chart after chart of, you know, different 13 manufacturers, different drugs, different -- 14 different, you know, pricing matrixes that they used 15 or we used, you know. 16 Q. And to the extent that you generated 17 documents in connection with that work, would those 18 be included in the documents that are logged on 19 your -- on your control log? 20 A. They would be. 21 Q. We haven't talked at all about electronic 22 documents. Does Ven-a-Care own computers?</p>	<p style="text-align: right;">Page 93</p> <p>1 government agencies showing -- we were given -- we 2 called them dog and pony shows. It was basically 3 evidentiary-type presentations to different 4 agencies, either state governments or federal 5 governments, to show them what we were finding in 6 the industry, the pharmaceutical industry. 7 And Dr. Lockwood brought that computer in 8 to take us into the tech age so that we could make 9 PowerPoints and use those for presentations instead 10 having these big blowups that Kinko's made. 11 Q. Before you had the laptop, you used 12 boards? 13 A. Boards and handouts. 14 Q. How did you create the boards before 15 having a computer in 1998? 16 A. To the best of my knowledge, all those 17 were created here at Miami at Mr. Breen's law firm. 18 They were sent out by him. 19 Q. Okay. And so to the extent that you were 20 creating documents that began their life 21 electronically before 1998, those would all be on 22 the lawyer's side of the fence?</p>

24 (Pages 90 to 93)

Jones 30(b)(6), T. Mark

May 9, 2007

Miami, FL

<p style="text-align: right;">Page 138</p> <p>1 Q. -- that would be responsive to</p> <p>2 Interrogatory No. 5?</p> <p>3 MR. BREEN: Objection to form.</p> <p>4 THE WITNESS: Ven-a-Care also has in its</p> <p>5 possession OIG documents.</p> <p>6 BY MR. COOK:</p> <p>7 Q. And the OIG documents are responsive in</p> <p>8 what way to Interrogatory No. 5?</p> <p>9 A. I believe there are documents in there</p> <p>10 that discuss spread.</p> <p>11 Q. Does Ven-a-Care have any other evidence in</p> <p>12 its possession -- let me strike that again.</p> <p>13 Has Ven-a-Care ever had in its possession,</p> <p>14 any other evidence that would identify instances in</p> <p>15 which Abbott marketed the spread as alleged in the</p> <p>16 complaint, other than the May 30, '97 fax, the Texas</p> <p>17 discovery that you described and the OIG documents</p> <p>18 that you just mentioned?</p> <p>19 MR. BREEN: Objection to form.</p> <p>20 THE WITNESS: Ven-a-Care also has in its</p> <p>21 possession all of its price lists, all of its</p> <p>22 GPO contracts, Echo databases, McKesson</p>	<p style="text-align: right;">Page 140</p> <p>1 MR. BREEN: Objection to form.</p> <p>2 THE WITNESS: Oh, that is a good question.</p> <p>3 I'm not sure if it was before or after the</p> <p>4 complaint was filed.</p> <p>5 We were gathering data before the</p> <p>6 complaint was filed, obviously.</p> <p>7 BY MR. COOK:</p> <p>8 Q. Focusing specifically on the allegation</p> <p>9 that Abbott marketed the spread, can you name --</p> <p>10 strike that.</p> <p>11 Focusing specifically on the allegation</p> <p>12 that Abbott marketed the spread, does Ven-a-Care</p> <p>13 have any other evidence other than what we talked</p> <p>14 about here today that would support that allegation</p> <p>15 in Paragraph 3 of the complaint?</p> <p>16 A. To my knowledge, this is what we have.</p> <p>17 But, again, we are constantly going through</p> <p>18 production and looking. If we find it, we will</p> <p>19 certainly either produce it or put it in a log that</p> <p>20 tells you where it is or a privilege log, as such.</p> <p>21 Q. Of the evidence that you have described</p> <p>22 for me, the May 30, 1997 fax from Dennis Walker, it</p>
<p style="text-align: right;">Page 139</p> <p>1 Econolinks. It has catalogs, you know, from</p> <p>2 wholesalers, wholesaler catalogs.</p> <p>3 And actually I'm trying -- I think, like</p> <p>4 on the Innovatix database that we were able to</p> <p>5 look at, the way they are set up, there is a</p> <p>6 drug that the manufacturer, the NDC number, the</p> <p>7 price, the AWP and the spread, if I recall</p> <p>8 correctly. And that is how they are presented</p> <p>9 in that database. So that is why I'm thinking</p> <p>10 that would be something that Ven-a-Care has in</p> <p>11 its possession.</p> <p>12 BY MR. COOK:</p> <p>13 Q. When did Ven-a-Care gain access to the</p> <p>14 Innovatix database?</p> <p>15 A. When we became members of Greater New York</p> <p>16 back in the '90s, I would say. And like I said</p> <p>17 before, it was a hard copy type of GPO, they would</p> <p>18 send you hard copies and update you. Then they went</p> <p>19 electronic after they became Innovatix.</p> <p>20 Q. When in the 1990s?</p> <p>21 A. My best guess is like '95, '96.</p> <p>22 Q. Before or after the complaint was filed?</p>	<p style="text-align: right;">Page 141</p> <p>1 appears to be the only physical evidence that you</p> <p>2 have described that came directly from Abbott.</p> <p>3 Am I correct in that or is there some</p> <p>4 other evidence that you have described to me that</p> <p>5 came directly from Abbott?</p> <p>6 MR. BREEN: Objection to form.</p> <p>7 THE WITNESS: Directly in that you said</p> <p>8 that you are -- you are presuming that it is</p> <p>9 because the sales rep picked up the phone and</p> <p>10 called Zach or vice versa.</p> <p>11 BY MR. COOK:</p> <p>12 Q. Or the evidence came directly from Abbott</p> <p>13 to Ven-a-Care.</p> <p>14 A. Well, I think Abbott is the one that</p> <p>15 produces the prices out there that are out for sale,</p> <p>16 so I assume those prices on those price lists come</p> <p>17 directly from Abbott because they are negotiating</p> <p>18 the contracts with the GPOs. Maybe it is just</p> <p>19 splitting hair on what is direct and what isn't.</p> <p>20 Q. Sure. The GPO documents you received from</p> <p>21 GPOs; correct?</p> <p>22 A. Yes.</p>

36 (Pages 138 to 141)

Jones 30(b)(6), T. Mark

May 9, 2007

Miami, FL

<p style="text-align: right;">Page 142</p> <p>1 Q. Do you know when Ven-a-Care obtained those</p> <p>2 GPO documents?</p> <p>3 A. I think like Innovatix, it was somewhere</p> <p>4 in the mid '90s.</p> <p>5 Q. When was the earliest that Ven-a-Care</p> <p>6 obtained a GPO price list relating to Abbott drugs?</p> <p>7 A. I'm going to guess. I just can't come up</p> <p>8 with a -- with a solid time. I would say somewhere</p> <p>9 around '94 to '95 to '96 would be ---</p> <p>10 Q. Would your documents -- would Ven-a-Care's</p> <p>11 documents show when the earliest such GPO price list</p> <p>12 was obtained?</p> <p>13 A. I believe they would.</p> <p>14 Q. The May 30, 1997 facsimile from Dennis</p> <p>15 Walker of Abbott directly to Ven-a-Care, is that the</p> <p>16 earliest direct communication between Abbott and</p> <p>17 Ven-a-Care of which Ven-a-Care has documentary</p> <p>18 evidence?</p> <p>19 MR. BREEN: Objection to form.</p> <p>20 THE WITNESS: To my knowledge, at this</p> <p>21 time.</p> <p>22 BY MR. COOK:</p>	<p style="text-align: right;">Page 144</p> <p>1 Q. I can't remember exactly where I left off,</p> <p>2 so I apologize if I ask the exact same question a</p> <p>3 second time, but just to wrap this up completely,</p> <p>4 prior to the May 30, 1997 facsimile, Ven-a-Care has</p> <p>5 no evidence of direct communications with Abbott</p> <p>6 relating to marketing its product?</p> <p>7 MR. BREEN: Objection to form.</p> <p>8 THE WITNESS: I don't recall if Ven-a-Care</p> <p>9 has any direct.</p> <p>10 BY MR. COOK:</p> <p>11 Q. And prior to that time, all evidence that</p> <p>12 Ven-a-Care has regarding Abbott marketing the spread</p> <p>13 was dependent upon wholesalers, I think, or GPOs to</p> <p>14 communicate that information to Ven-a-Care?</p> <p>15 MR. BREEN: Objection to form.</p> <p>16 THE WITNESS: That would be how they would</p> <p>17 communicate with Ven-a-Care, or one way.</p> <p>18 BY MR. COOK:</p> <p>19 Q. What other way would there be?</p> <p>20 A. Well, if they were directly, you know,</p> <p>21 marketing Ven-a-Care.</p> <p>22 Q. But no -- no such direct or independent</p>
<p style="text-align: right;">Page 143</p> <p>1 Q. I think you testified that Ven-a-Care did</p> <p>2 have other information that you believed originated</p> <p>3 with Abbott but it depended upon GPOs to communicate</p> <p>4 it to you; correct?</p> <p>5 A. Yes, I think I said that Abbott reports</p> <p>6 its prices to the GPOs by negotiating, and the GPO</p> <p>7 obviously produces the prices for the market.</p> <p>8 Q. Any other indirect communications with</p> <p>9 Abbott prior to 1987 that Ven-a-Care had?</p> <p>10 A. Besides GPOs, wholesalers. Florida</p> <p>11 Infusion or Ultracare. Or any of those wholesalers</p> <p>12 would advertise Abbott products.</p> <p>13 Q. But all of those communications --</p> <p>14 MR. COOK: I'm sorry. The court reporter</p> <p>15 wanted to go off the record.</p> <p>16 THE VIDEOGRAPHER: It is 11:58. We are</p> <p>17 going off the record.</p> <p>18 (Thereupon, a discussion was held off the</p> <p>19 record, after which the following proceedings</p> <p>20 were held:)</p> <p>21 THE VIDEOGRAPHER: Back on the record.</p> <p>22 BY MR. COOK:</p>	<p style="text-align: right;">Page 145</p> <p>1 evidence prior to May 30th of 1997?</p> <p>2 A. No --</p> <p>3 MR. BREEN: Objection to form.</p> <p>4 THE WITNESS: -- that I can recall.</p> <p>5 BY MR. COOK:</p> <p>6 Q. Correct.</p> <p>7 Interrogatory No. 7 asks, among other</p> <p>8 things, for documents that would support Paragraph</p> <p>9 42 of the complaint, which reads, "AWP is used to</p> <p>10 refer to the price at which a pharmaceutical firm or</p> <p>11 a wholesaler sells a drug to a retail customer, who</p> <p>12 then administers it to a patient."</p> <p>13 Could you read interrogatory No. 7 to</p> <p>14 yourself, please, and tell me whether Ven-a-Care has</p> <p>15 ever had in its possession any documents that would</p> <p>16 support interrogatory No. 7? Strike that. Be</p> <p>17 responsive to interrogatory No. 7. I misspoke.</p> <p>18 A. Okay.</p> <p>19 Q. Are there any documents now or did there</p> <p>20 used to be any documents in Ven-a-Care's possession</p> <p>21 that would contain information responsive to</p> <p>22 interrogatory No. 7?</p>

37 (Pages 142 to 145)